

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

JOHN BAXLEY, JR., et al.,

Plaintiffs,

v.

**Civil Action No. 3:18-cv-01526
(Chambers, J.)**

BETSY JIVIDEN,

Defendant.

STIPULATION OF DISMISSAL OF COUNT II

Pursuant to Rule 41(a)(1)(A)(ii), Plaintiffs John Baxley, et al, by counsel, and Defendant Betsy Jividen, by counsel, hereby stipulate to the dismissal without prejudice of Count II of the 2nd Amended Complaint, which sets forth a claim under the Americans with Disabilities Act, 42 U.S.C. § 12132. The parties further stipulate that Defendant's pending Motion to Dismiss Count II (Dkt. No. 589), should be denied as moot.

Dated this 21st day of April, 2022.

Agreed to by:

/s/ Lydia C. Milnes

Lydia C. Milnes (State Bar No. 10598)

Jennifer S. Wagner (State Bar No. 10639)

Bren J. Pomponio (State Bar No. 7774)

Lesley Nash (State Bar No. 14158)

Mountain State Justice, Inc.

1029 University Ave., Suite 101

Morgantown, WV 26505

Phone: (304) 326-0188

Facsimile: (304) 326-0189

lydia@msjlaw.org

jennifer@msjlaw.org

Counsel for Plaintiffs

/s/ William E. Murray

William E. Murray (WVSB #2693)

Jaden P. Rhea (WVSB #13454)
ANSPACH MEEKS ELLENBERGER LLP
500 Virginia Street, East, Suite 525
Charleston, West Virginia 25301
304-205-8063 - telephone
304-205-8062 - facsimile
wmurray@anspachlaw.com
jrhea@anspachlaw.com
Counsel for the Defendant